

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

REGINALD C. MALONE, SR.,)
Petitioner,)
v.) No. 3:09-1100
STATE OF TENNESSEE,) Judge Echols
Respondent.)

O R D E R

The petitioner, a resident of Nashville, is a former state inmate currently on parole. The petitioner brings this action under 28 U.S.C. § 2254 seeking federal *habeas corpus* relief.

For the reasons explained in the accompanying memorandum, this action is **DISMISSED WITHOUT PREJUDICE** pending exhaustion of his grounds for relief in state court, after which the petitioner may re-file his petition.

An appeal from the judgment rendered herein would **NOT** be taken in good faith. 28 U.S.C. § 1915(a)(3). Therefore, the petitioner is **NOT** certified to pursue an appeal *in forma pauperis*. *Id.*

It is so **ORDERED**.



Robert L. Echols
United States District Judge